

***United States Court of Appeals
for the Second Circuit***



**BRIEF FOR
APPELLANT**

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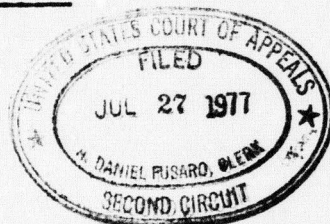
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BPLS

77-6094

- BRIEF - ORIGINAL -

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT



LOUIS TEPLITSKY,

Plaintiff-Appellant,

- against -

BUREAU OF COMPENSATION,
UNITED STATES DEPARTMENT OF LABOR,
and UNITED STATES OF AMERICA,

Defendants-Appellees.

DOCKET
77-6094

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Louis Teplitsky
2136 Wallace Ave.
Bronx, NY 10462

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

*

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Plaintiff-Appellant,

- against - PRO-SE

BUREAU OF COMPENSATION,
UNITED STATES DEPARTMENT OF LABOR,
and UNITED STATES OF AMERICA,

Defendants-Appellees.

BRIEF

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77-6094

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

... OPINION BELOW ...

1 - This is an Appeal, from an Order of the United States District Court Southern District of New York, (Broderick J.L.) Entered May 25, 1977 Dismissing complaint... "Lack of Jurisdiction" on Grounds of Res-Judicata... And All the motions were Denied, as motioned by the Disposition of the complaint...

... QUESTIONS PRESENTED ...

A. - whether the District Court ERRED in dismissing the complaint and denying motions for Default... motion for Fraud and Perjury... motion Exemption of Arrest... motion for the U.S. Treasury to pay interest for Uncashed U.A. checks, since February 1969...?

B. - whether the District Court ERRED in its Judgment that "One Proctors" of Latt was Denied the Appellant?

... STATEMENT OF FACTS ...

1. - The Appellant is Submitting an APPENDIX... in Addition to Memorandum J. MacMahon 67-Civ. 1019 - March 29, 1968 - and Memorandum 72-Civ. 2469 April 10, 1973 - Medical, Surgical, Neurological and Psychiatric... - 1 - Documentation...

Also Documentation of Fraud, Perjury, and cover up of Fraud... Also Documentation, that a major Defendant witness, who changed its Testimony in favor of the Appellant, previously was accepted by the District court, with Sworn Affidavits... The said Factual Documentation in-cooperated into the Appendix, App^{ies} in the 76-Cir. 1831-Certified Record. There are Four Appendix^{es}? And the Appellant will Endeavour to Enlighten this Honorable ^{COURT} Brief-Detail, of the views Containing to Each Exhibit in the Appendix, Quoted...

2. — 5-U.S.C. #8116. Limitations of Right to Receive compensation... states - "However, Eligibility for or Receipt of Benefits under subchapter III of chapter 83 of this Title - "Does Not" - Impair the Right of the Employee to compensation for Scheduled Disabilities... Specified by Section 8107 (c) of this Title..." In other words, For compensation purposes, one can Receive Total Nervous condition Disability compensation, and Total or 100 percent Physical Disability compensation... As the Appellant is Demanding Full compensation one - Total Physical Disability compensation from the U.S. Bureau, Retroactive to March 9, 1964 for the December 11, 1963 - Post office left Grain injury, that has permanently damaged the left Inguinal Nerve and was unable to secure Employment, because of persistent Excruciating left grain pain...

3. — And the U.S. Bureau has Refused to Assume its Responsibility... The Veterans Adm. Has Ruled that the Appellant Nervous condition 100% is Directly Attributable to my Military Service... And worked with said 50% Nervous condition for many years in the Post office and it is only the Physical injury that has totally Disabled the Appellant for Employment...

..... ISSUES ARE

1. — A Moral constitutional issue... The District court Erred, when it Dismissed the complaint and "Res-Judicate" is Not Applicable to this case, Especially, when there major issues under the court Jurisdiction, that have Not been satisfactory Resolved...

2 — ISSUE of Default... Judge Broderick has failed to Act Upon... U.S. Marshall had served the Summons to U.S. Bureau Dept. of Labor Defendant on May 6, 1976 - The Defendant Responded on July 13, 1976. The Appellant had Submitted a Memorandum on July 16, 1976 and a motion on August 2, 1976. Challenging the said Defendant's motion to Dismiss Appellant's complaint of July 13, 1976 as untimely. Pursuant to Rule 4 of the Federal Rules of Civil Procedure, that govern issue of Summons... Quote - from Summons... "An Answer to the complaint which is herewith served upon you, within 60 days after service of this Summons upon you, exclusive of the day of service." If you fail to do so, Judgment by Default will be taken against you for the Relief Demanded in the complaint. Un-Quote..

Judge Broderick ignored the Appellant's memorandum and motion No: 9-7-16-76 - and No: 15-9-8-76 - Docket sheet... And instead, Applied the Res-Judicata Principle. This is indeed a flagrant violation of the Appellant's constitutional Rights of Due Process of Law. Before the Court... The District Court cannot claim Lack of Jurisdiction in this matter of Default... The Appellant should be placed on the U.S. Bureau Pay Roll by the Order of the Court of Appeals... The District Court by failing to Act on said motion and Amendment had thereby Acted Prejudicial and discriminatory to the Plaintiff-Appellant's Rights...

3 - ISSUE - of FRAUD, Perjury, and cover up of Fraud motion No: 15-9-8-76 - Also motion No: 13-8-23-76 for the U.S. Bureau submit to the Court canceled checks that the Plaintiff-Appellant was paid \$200,000 per H-claims Between March 9, 1964 - to November 10, 1964 - while the Exhibits in the District Court Record, states that Appellant was only paid \$45,000 per H-claims during that period. While U.S. Labor Commissioner Mc Lellan stated in his sworn Affidavit of December 13, 1967 - in complaint 67-Civ. 1019, stated, I was paid Total Physical Disability compensation for about seven months... The District Court (J. Broderick) Failed to Act on said motion... This a violation of Appellant's constitutional Equal Rights before the Court, and the Court had Jurisdiction on Fraud and Perjury... As a Result, Due process of Law was Denied to Appellant's Rights...

4-ISSUE — NO: 15-9-8-76 — motion to be paid interest for Veterans Adm. uncashed compensation checks since February 1969 — Due that U.S. Attorney Paper to the District Court October 29, 1967 — case 67-civ. 1019 Stated on page 12 Paragraph 2 "That if Plaintiff-Appellant will continue cashing, U. A. checks, it will constitute an Election"... The District Court failed to Act on said motion... which the Court claimed lack of Jurisdiction that it Erred, in view of said motion the Court denied the Appellant Due Process of Law.

5-ISSUE — Motion NO: 19-9-10-76 — For an order of Expiration of Arrest... The District Court had failed to Act on said motion, while the Court has Jurisdiction on such matter, And therefore, the Court by inaction had Denied the Appellant Due Process of Law in this matter...

6-ISSUE — There is in the Record (67-civ. 1019) the first complaint. An Affidavit from the Veterans Adm. Mr. BERTRAH JUDEM, chief Adjudication officer, that was Submitted to the District Court in Support of motions of Defendants for Dismissal of Plaintiff, Appellant's Complaint... That District Court Accepted, as fact That Appellant's had No Left Grain Pain caused by Post office ^{INJURY} and that the Nervous condition was the Same the Disability"... And Judge Mac Mahon had rendered A Judgment "Based" on the Veterans Adm. Affidavit, and Dismissed the said complaint on March 29, 1968, memorandum is in the Appended as well as in the Original Record...

On May 3, 1974 the said "major witness" for the U.S. Bureau Defendant has "changed" its Testimony, the District ^{COURT} and the same Judge Mac Mahon Refused to Accept the Veterans Adm. Testimony that Appellant's Nervous condition is directly Attributable to my military Service... This was done in case 72-civ. 2469 and J. Braderick Refused to Accept same, in case 76-civ. 1831... And Res-Judicata — was Applied...

The usual procedure is Applied to every case in the criminal and civil Judgment... When New Evidence is Submitted as a major witness changes its Testimony... A New Trial is "Ordered"... In this case the Principal of Res-Judicata was Applied... Therefore Due Process of Law was denied — 4 — to Appellant...

7—ISSUE—The Appellant had submitted "3 Series" of about 15-Specialists in the Field of Surgery, Neurology, Radiology, Psychiatry, Urology, that Appellant has a permanent fest inguinal Nerve Damage, or "NEUROMA" caused by the Post office Occular 11, 1963-injury, in an Area that 1949-A Hernia operation was performed as a Result I suffered persistent and excruciating pain... Is that so strange to suffer an injury where previously that area had Surgery. And lifting heavy mail for 13 years after said surgery.

8—ISSUE—Appellee is hereby invoking the moral Protection of the U.S. Constitution-Bill of Rights-Amendment I—"To Petition the Government for A Redress of Grievances," And Also Amendment #9—"The Enumeration of certain Rights, shall Not be construed to Deny or disparage others Retained by the People"... The District court so called Negative Judgments had demonstrated in Appellant's case with its gimmick of "Lack of Jurisdiction" and "Res-Judicata" had thereby condoned lies, Fraud, Surgery, and covered up Fraud, Ignored Factual Evidence documentation...

9—ISSUE—Judge MacMahon stated in its 67-Civ. 1019, March 29, 1968-That the Appellant was paid Fatal Physical Disability compensation from March 1964 to November 10, 1964 on Page #2. Also J. MacMahon had "Repeated" the said Error in its 72-civ. 2469-Also on Page 2-which was in Error-Appellant was only paid \$45-per M-weeks Not \$200, as the Judge stated. A Judgment has to be Accurate, I challenge the said Errors... I feel, it is a cover up... of Fraud and Perjury...

... COURT JURISDICTION-"OF FRAUD"-"PERJURY"...

1—The Appellant Respectfully Submits that the court has Jurisdiction, wherever there is ample Evidence of Criminal Acts such as Fraud, Perjury and cover up of Fraud... The said Evidence are in the Case 76-Civ. 1931 and copies of same are in the Appendix... There is also Evidence that Appellant has Two Interdependent Disabilities, one is A Physical, Permanent Disability and the other is a Nervous Disability 100%—And Entitled, Two compensations... by Law 8116 - Fed. S.C. Violation of a Law takes Occasions of U.S. Courts—5—Statute Lack of Jurisdiction...

... DISCUSSION OF FACTS ...

1 — In the District Court Certified Record 76-civ. 1831 Now in the Court of Appeals there are 17-Parts of Exhibits Part 5-of said Record has motions and Affidavits by the Defendants... The said papers are from the first Action 67-civ. 1019 - That Judge Wehrer has granted Appellant's motion June 18, 1976 that said Record together with the Second Action 72-civ. 2469 Be in the courthouse through the duration of present Action... The Appellant and Defendant are Submitting a joint Stipulation that the said Two Records be transmitted to the Court of Appeals...

2 — In Part 4 - of Appendix the Appellant is Submitting Abbreviated Form of an Affidavit by the U.S. Dep. of Labor Commissioner John V. McCallan on Page 1 - 3 - 6 - 8 - 10 - from a 10 Page Affidavit December 13, 1967 - first Action 67-civ. 1019...

3 — Appendix Part 5 - Deals with Fraud and Perjury "EX-1" U.S. Bureau compensation sheet for Dec. 11, 1964 - injury was paid Total physical compensation from March 8, 1964 - to April 13, 1964 about 50 dollar per week "EX-2" deals with award of partial disability \$45.24 - per 4 weeks June 17, 1965 - "EX-3" Oct. 19, 1965 - U.S. Bureau letter states that Appellant was paid partial disability from April 14, 1964 to Sept. 8, 1964 - "EX-4" Is a check from the Bureau NO. 91,750,697 - of 912 dollars dated Dec. 20, 1966 for Total Disability from November 10, 1965 - "EX-5" is a combination of 4-Documents on one page... A letter Oct. 19, 1965 letter to Senator Javits 12-21-1966 - letter or paper submitted to the District Court 12-18, 1967 and Judge McKeen's memorandum March 29, 1968... "EX-6" is Edited version of U.S. Commissioner McCallan Page 1, 3, and 10 - A Sworn Affidavit Submitted to the Court December 10, 1967 stating - Page 3-Paragraph 15 - and partial disability benefits were Ante-dated accordingly, from Nov. 10, 1964, the DAY, "AFTER", "the END" of Total Disability, through June 9, 1965"...

4 — Appellant Respectfully Submits - It is for that Reason, that the said \$912.00 check was Returned to the U.S. Treasury... In the Court to Apply a "Double Standard" of Law... If A Federal Defendant commits Fraud and Perjury and then covers up said Fraud of about \$1400.00 to be ignored? If a Federal Defendant does that comply with a Summons and does Rule 4, of Federal Rules of civil procedure, instead Responding within 60 days, Responds 67-days and the District Court ignores Appellant's motion for Default... He to be - 6 - ignored?...

5 — Part 13 of Appendix "EX-1" J. Mac Mahon
order December 4, 1968 — concerning Extension of Time
Stating "only the Secretary of Labor can grant such".

"EX-2" — U.S. Bureau Denied such Extension Jan. 10, 1969

EX-3 — U.S. Attorney for Defendant Page 12, Paragraph
2 (c) Stating to the District Court October 20, 1967

"Declaring that Plaintiff's Actions, returning and Refusing
to accept total disability payments from Defendants
Bureau of Employee's Compensation constitute an
Election to Receive benefits under the Veterans Adm.
only". This statement was also repeated verbally in
the office by Mr. Louis E. Greco Attorney for Defendant
the said paper is from First Action 67-Civ. 1019...

6 — As a Result the Appellant had no other choice but
to discontinue cashing V.A. compensation checks since
February 1969... The Appellant Demands Relief from
this Honorable Court, to be paid interest for all the
Veterans Adm. compensation checks uncashed... In the
Certified District Court Record of Exhibits Part 8 —
There is a letter from the U.S. Treasury Dept. April 30, 1976
Verifying that said compensation has Not been utilized...

7 — Appendix PART-8 — "EX-1" — From National office
Dept. of Labor Washington, D.C. July 8, 1970 Mr. Chapman
Director of Claims, States — That Appellant must make an
Election... "EX-2" — Employees compensation Appeals Board

Denies Appellant's Appeal — Reason — That the Veterans Adm.
found that Appellant was totally disabled as a result
of aggravation by the employment injury... "EX-3" —

U.S. Bureau Washington office November 28, 1973 — The same
evaluation that the employment injury aggravated the
Nervous condition... Director Mr. H. A. Doyle Jr. "EX-4" —

Mr. John D. McLellan, Jr. U.S. Dept. of Labor March 10, 1975
Stating the same that the Veterans Adm. increased from 50% to
100% compensation, because the aggravation, resulting
from the December 4, 1963 Post office injury... This letter
is highly significant to the Court, Reason, because a major
witness for the Defendant had changed its sworn
testimony to the District Court, when it ruled on May 3, 1974
that the Appellant Nervous condition is "Directly Attribu-
table to my military Service".... Yet the U.S. Bureau
as well as the District Court, Refuse to Accept the said
Veterans Adm. Evaluation and conclusion... "EX-5" —

March 15, 1976 — U.S. Labor Commissioner McLellan still
States to Senator Parity the same and again Refuse to
take cognizance of Veterans Adm. May 3, 1974 — Ruling.

8 — Appendix - Part-6 - "EX-1" Article, Family Doctor, N.Y. Daily News - Concerning Inguinal Hernia Surgery... "EX-2" — Dr. R. Friedma Surgical Diagnosis Feb. 2, 1966 Inguinal Nerve probably damaged... "EX-3" — Dr. L. Burrows Surgical Diagnosis, possibly inguinal Nerve Damage... "EX-4" — Dr. J. A. Budd Feb. 3, 1966 Possible inguinal Nerve Damage... "EX-5" — U.S. Dept. Labor Commissioner McLellan Affidavit Page 6 - Paragraph 27 - commenting on above Surgical Diagnosis... also on the same page Paragraph 28 - a highly cruel and inhuman Diagnosis as follows... Mr. Tepitshy showed Tenderness and Sensitivity to touch in the left inguinal area ONLY when he was AWARE... that the examiner was Testing him, for such tenderness and sensitivity, but did NOT-REACT... when caught Un-AWARE...

9 — Based on said above NAZI-TYPE Diagnosis An innocent human life has been practically destroyed for 14-years. And the Appellant, underwent and undergoing Spasms of excruciating left groin persistent pain... For that the Appellant was rolled of about \$1400, less Fraud and perjury and cover up... The said Diagnosis was Submitted to the District Court to poison the Judges Attitude towards Plaintiff-Appellant, And Tragically it succeeded... It was indeed the falsest, evilful at deceiving, meanest, cruellest, most sordid, most shameless. in order to gain a wicked purpose, And thereby degraded the Appellant's credibility... While the said white collar criminals committed Fraud and perjury and were granted 100 percent Credibility... By a Judge who got himself involved in Repeating lies in his Judgments Not once but Twice, in covering up his own credibility...

10 — Appendix - Part-7 - "EX-1" Dr. Joseph M. Tormada, Chief Surgeon U.S. Hospital June 20, 1969 Diagnosis of Appellant's complaint of pain left groin... Part-8 of Appendix - "EX-1" Urology Clinic U.S. Hospital "EX-2" — U. A. Kingsbridge Hospital Surgical Diagnosis "EX-3" — Columbia Medical Center Diagnosis - Neroma Sept. 24, 1973 "EX-4" — Francis Delafield Hospital - Neroma Sept. 19, 1973 "EX-5" — Jacoby Radiologist Report Barium Enema EX-2a — I thought perhaps it was a Tumor... N.Y. Jacobi Hospital - Oct. 4, 1973 Possible a Neurological Report. Sept 24, 1973 - Neroma Adm. Psychiatric Diagnosis - Stating - "I feel pretty confident in aggravated, Not by his physical disability at present, his belief that he is not getting satisfaction from the Responsible Federal officials..."

11 — Appendix - Part - 10 - "EX-1" — A letter from the Veterans Adm. Regional N.Y. Director to Senator Fawcett December 12, 1973 that After Receiving from Appellant Medical Evidence an Evaluation of case begun by Addressing a communication to the U.S. Hospital at Staten Island, N.Y. EX-2 — U.A. Requesting information from said Hospital about Appellant's injury Treatment Record... EX-3 — Director Nugent Veterans Adm. Regional Office Addressed to Senator Fawcett May 3, 1974 the Result of investigation and Re-Evaluation — Stating "Mr. Teplitzky's Service-connected nervous condition is Independently - Evaluated at 100% Disabling for Symptoms and Findings which are Directly Attributable to his military Service"...

12 — The said Ruling was communicated to the U.S. Bureau Dept. of Labor... On February 19, 1975 Also the Neurological diagnosis information of Sept. 1973 — was released to the U.S. Bureau Dept. of Labor March 26, 1975. However, the Bureau still Refused to Re-Evaluate the injury Claim based on the New Significant U.A. Ruling...

13 — Appendix - Part - 11 - EX-1 — Mr. A.M. Aronowitz my Attorney communicated a letter on Oct. 28, 1974 — Stating Page 1 — Last Paragraph — "This groin injury was in the same area and aggravated a Pre-existing condition for which he had had a hernioplasty in 1949. It was this condition and any Sequellae of this condition which resulted in the decision by your office on December 27, 1966 that for compensation purposes. Mr. Teplitzky was 100% Totally Disabled... It is Mr. Teplitzky's contention that the disability resulting from the Left Groin injury has continued and that his compensation payments should continue right up to the present time"...

14 — EX-2 — from Mr. Aronowitz to Mr. Teplitzky April 2, 1975 — Page 2 — Paragraph 4 — "I would conclude, therefore, Mr. Teplitzky, that the U.S. Dept. of Labor will Not Reconsider their position on an Administrative level... Therefore, any further Relief would have to come from the Courts"... EX-3 — U.S. Dept. of Labor letter to Mr. Aronowitz June 25, 1975 — "Your Application for Reconsideration is formally Denied"... Commissioner MacLellan. Therefore, it is up to this Court to Review All the Evidence and Administer Justice. The Bureau will Not Assume its Responsibility to award compensation because as Alleged of Anti-Semitism... — 9 —

15 — Appendix - Part - 12 - EX - 1 — Appellant's letter Addressed to Commissioner McTellan Jan. 30, 1976 — That the Dept. of Labor Order that I be examined Formally by a Psychiatrist, Neurologist, and Surgeon, as I have Not been Examined since December 3, 1966 by a Psychiatrist and Dr. Fornella Chief Surgeon examination 1969 — EX - 2 — Commissioner McTellan responded March 15, 1976 letter, stating, "If you wish to again request reconsideration, you should submit, together with your request, Evidence Not previously considered..."

16 — EX - 3 — Appellant letter Addressed to Mr. McTellan May 21, 1976 — and included New Medical Evidence.
EX - 4 — Veterans Adm. Surgeon March 25, 1976 — stating "The Attending Physician suggest that a Neurologist be Evaluated my complaint of pain"...
EX - 5 — Veterans Hospital N.Y. First Ave. 23 2d St. March 29, 1976 — Diagnosis Neuroma...
EX - 6 — Veterans Adm. Kingsbridge Hospital New York, Bronx, Plan x-ray selves — was given medication for the pain...
EX - 7 — Private Neurologist — Diagnosis Neuroma...
EX - 8 — Neuroma or Nerve is the problem.
EX - 9 — Mr. McTellan responded May 28, 1976 — stating "There is No Basis to change our previous decision in your case"... This is the 3-Series of Medical Evidence submitted to the Bureau and was Rejected... Including the U. A. May 3, 1974 — Change of its Testimony via Affidavit...

17 — Appendix - Part - 1 - EX - 1 — Docket Sheet — contains 15-motions submitted to the District Court by the Appellant and 10-memorandums... Two motions were Acted upon by Judge Werker... 13-were Denied by Judge Broderick in as noted by the disposition of the complaint...
EX - 2 — A letter from J. Werker's chamber dated June 18, 1976...
EX - 3 — A letter, Sept. 15, 1976 from J. Werker's chambers...
EX - 4 — A Pre-Trial Conference Order J. Broderick...
EX - 5 — Memorandum J. Broderick May - 25, 1977...
EX - 6 — Judgment - By J. Broderick May 26, 1977...
EX - 7 — Memorandum March 29, 1968 By J. Mac Mahon...
EX - 8 — Memorandum April 10, 1973, By J. Mac Mahon...
EX - 9 — Law 8116...
EX - 10 — Law 8116 — as Amended Sept 7, 1974

18 — Appendix - Part - 2 - EX - 1 — U.S. Hospital Medical Report and medication prescription 6/6-1977
EX - 2 — U.S. Hospital Medical Report 7-18-1977
19 — Appendix - Part - 3 - EX - 1 — U.S. Marshall Service Receipt of Summons...
EX - 2 — Summons April 22, 1976
EX - 3 — U.S. Attorney Schneider for Defendant's Response July 13, 1976...
5-6-76

... LEGAL RELIEF - EXPUNCTION FOR ARREST ...

1 - On September 10, 1976 - The Appellant submitted a motion to the District Court For Expunction For Arrest. That J. Broderick failed to Act. This Arrest took place at the National Capital, Speaker of the House of Representatives Carl Albert ^{OFFICE} on June 2, 1971 - Was Released on June 3, 1971, 12/30 P.M. Was Arrested by the Capital Police and transferred to the Metropolitan Police Transient Jail During a Hunger Strike Protest, concerning this 14 year old Tragic... There were No charges brought, And made No Allegations before a Federal Judge... In view the District Refused to act on said motion. I Pray that this Court will grant the Appellant Relief on said Arrest... F.B.I. Director Clarence M. Kelley's letter of November 8, 1974 Attached to said motion, in 76-Civ. 1831 - Record States... "This Bureau will Expunge Arrest information upon Request of the Agency submitting information to us or upon the receipt of "A Court Order for Expunction"...

BIRTH-OF-A-TRAGEDY.....

1 - The above Title "Birth of A Tragedy"... Had the beginning... of an "Act of Injury"... December 11, 1963 at the Post Office... that made the Appellant Totally Physically Permanently Disabled, since March 9, 1964 was unable to work, in an Area where 1949 - A hernia operation was performed and had worked for about 13-years as a Post office mail handler. And it was that the War II Nervous condition that made the Appellant Totally unemployable - The said injury had aggravated the left inguinal area...

... A-MINI WATERGATE FEDERAL ANTI-SEMITIC CONSPIRACY :

2 - The said conspiracy has progressed and graduated, to such a degree, that its cancerous malignancy disease, had infected the Judicial Branch of the Government, that A Federal Judge had went so far in its Court legal so called Judgments, had stated Falsehood, Fraud and Perjury and Refused to accept Appellants Factual Documentation and thereby by said Action Police covered up said Fraud in its March 29, 1968 - Page 2, 67-Civ. 1014, and in April 10, 1972 - Page 2 - 72-Civ. 2464 - Two memorandums... This is not Reckless Allegation, It is a NOT A PRIMA-FACIE CASE... The District Court has 17-Parts of Factual Documentation to Prove...

3 — The Appellant Brings to the Attention of the Honorable Court of Appeals that Plaintiff Appellant had Submitted Affidavits on February 16, 1977 to U.S. Attorney General Bell... To the Chairman Judicial Committee Peter Rustino. Also an Affidavit was Submitted to Judge Broderick U.S. District Court February 10, 1977 case 76-civ, 1831 - Docketed... "To investigate this case"...

4 — In Appellant Exhibits 76-civ. 1831 there are highly and significant Evidence the way this case has been conducted by the District Court Beginning with case 67-civ. 1019 and 72-civ. 2464 Part 13-14-15-16-17 - Are ample Evidence to deserve scrutiny... of said Allegation... There is a motion dated March 24, 1975 - Part 15 - in this Record certified by the District Court that was Submitted to the U.S. Attorney Stamped Part 16 - simultaneously the same day to the Court, yet it mysteriously disappeared and not Docketed... Should this Not be investigated there is a motion to investigate the conduct of Judge MacMahon But Judge Broderick had Dismissed All the 14-motions as of no consequence, Is that Proper or Normal?...

5 — Judge MacMahon Rendered a Judgment on July 2, 1974 Plaintiff Appellant was Notified August 13, 1974... On Sept. 24, 1974 Judge MacMahon Rendered a Decision and was Notified April 8, 1975... And in Both cases No investigation took place... Is this a normal and proper...? Procedure...? Judge McDermott was assigned to the 72-civ. 2464 - Frank J. Palmieri withdrew from the case Appellant Requested that J. MacMahon Not be assigned to the case... Request was Accepted and Judge Wyatt was assigned to the case... on April 12, 1973 I Received Judge MacMahon April 10, 1973 memorandum dismissing complaint. And was Not notified that Judge Wyatt turned over my case to J. MacMahon despite my objection... Is that Proper and Normal procedure? And why was J. MacMahon so Anxious to take my case?... That Judge Werker was assigned to the 76-civ. 241831... That J. Broderick took over the case from Judge Werker and Administered the Re- Judicial Principles... Dismissing the complaint... And All the motions... Is this Proper and Normal?...

..... SUMMATION

1 — It is indeed very distressing to be compelled to state that the Appellant finds it difficult to perceive, why there was, and still is, such a disinterestedness in this particular case by the U.S. District Court since March 13, 1967 when the first complaint was brought to the Attention of the Court?... It is recommended the study of this so called "mini watergate"... However, to all those who wish to learn how far a disrespect for the law can use the resources of the law to defeat the law...

2 — Question Before this court is... Does it really matter, whether a Federal Employee was injured and is unable to work... Because, he lost a leg, or a hand, or some other physical injury, such an injurious nerve damaged, and unable to work since March 8, 1964? ... And for 14-years wasted away, battling for Human Rights, A Federal Bureaucracy, and with two interdependent disabilities one Emotional or War II Nervous injury and civil employment physical injury... And the Congress has past laws to compensate for such injuries... Yet, the Appellant does not receive the benefits of said laws since Feb. 1969 - for the Nervous condition the U.S. Treasury has paid No money... And the Bureau has paid No money compensation since 1964...

3 — Two injuries - requires two expense, two discomfort, two interdependent agony of pain suffering... And there are thousands of Veterans, and thousands of civil Employees who receive two compensations for Total Physical and for Total Nervous conditions... Yet, in this tragic case... Not only is the U.S. Dept. of Labor Prejudice, But the District Court is also prejudice against Appellant getting two Total Disability compensations... Why? Does a mental patient be discriminated? ... Do we have to blame everything as Psychosomatic? Moral wounds have this peculiarity, they conceal themselves. But never, never close... Always, painful, always ready to bleed, when touched, they remain fresh... and open... in the heart...

4 — I recently read at the N.Y. Post comments by Jack Anderson Washington Reporter... That Chief Justice Warren Burger talked about "lawless law"... Attorneys dominate the Government, Boards, commissions, committees and councils both in and out of Government. The said lawyers are entangling the populace in litigation, bogging down the courts (like this tragic case) and are substituting... legal manipulation, for Justice...

5 — According to the said Federal lawyers there is one law for the Government and one law for the Appellant. And some of said Judges in this case are agreeing with said Notion by its action, of a Gimmick of "Lack of Jurisdiction" and "Res-Judicata"... And the said Government lawyers have a Field Day victory for injustice... Medical Evidence from 15 Specialists are not even examined... We have learned that to a victim of cruel inhumanity of injustice, is a dreaded disease, which medicine never cured, wealth never healed off, or poverty could least exemption from... This dreaded disease called injustice, affects mankind, so much that it becomes a struggle between soul and body... Yes, injustice is a disease, in which death and life are so tragically blended... I only pray that this Court who will help in the dignity of man will intervene and put an end to this shameful, shabbling, - 13 - injustice...

6 — Never has a more convincing body of proof been submitted in support of a contention, needing none, yet, the District Court ignored my Evidence... What was Evidence? What was Facts? What was Truth? What was Medical Evidence? The District Court Judgment was Against All Logic... Against All common sense... And against the Explicit U.S.C. Law IF 8116... The said Lawyerless Law as Chief Justice Burger calls them, have painted their Federal officials clients as polished public image as Saints and glorifying it, and gliding it with halo, in a so called "Duty to Protect the Federal Government from the Plaintiff-Appellant"? Attempt to cheat the Government, and by such action the said Butchers or Lawyers, Saints with their so called Duty, would destroy a Human Being like a maniac will do with poison or a gun, yes, there is a dividing line, between doing one's Duty and committing a Crime...

7 — The Federal Government with its Lawyerless - Law are Ruthlessly and indeed with inhuman cruelty Suppressing the truth from the Court, by flauntantly mis interpreting the Law's pertaining to this case, in order to obstruct Justice and cover up criminal acts of proven Fraud and Perjury to their own advantage... Question - Are not high White collar Federal officials answerable to the Court? Is a Court Summons be ignored, and a Federal Judge Abrogate its Responsibility concerning a nation's Appellant to declare the Government in Default? And instead the said Federal Judge declaring "Res-Judicata"? ... Since when is Fraud and Perjury and Mat to comply within 60 days to a Summons, claim lack of Jurisdiction? Is the Appellant to be treated as a Second class Citizen? By the District Court?

8 — Thomas Jefferson said "Equal Justice for All, Special Privileges for None"... Justice Brandeis has said "If the Government becomes a law-breaker, it breeds contempt for the law and invites every man to become a law unto himself... The Watergate Horrors has thought order to destroy it... The Federal Government cannot ride two horses at the same time... "Liberty" wrote Victor Hugo; "Is the most precious possession of all man-kind. Food and water are Nothing. Clothing and shelter are Luxuries. He who is Free stands with his head held high, even if hungry, naked, and homeless"... Yes, at what we are Appellants overwhelming mountains of Evidence Submitted to the Court by the Government and the District Court ignored it with inaction... Res-Judicata would be applicable if the District had judged the Subject matter of this case... How could Res-Judicata be applied when this case was not Judged? ... Never during the past 10-years. — 14 —

9 — This Brief was built upon Proof and Truth. Truth that was crushed to earth these past agonized 14-little years of suffering... And in the End, it must prevail, and perhaps, this Court of Appeals will make it Rise again. The District Court has stepped out of its Authority by its "Res-Judicata Judgment" and gave Defendant, the Green light to continue ignoring Summons, to continue to Practical Fraud and Perjury... Does the Court demand that only poor people must obey the Law, and forgive the white collar law breakers? The Appellant claims the protection of the Court... Appellant is Defending the Laws of this great nation, and Demand as of Right, their Equal Application to every man... If there is any meaning in human life, then it's there, in the dignity of a Human Being. And the Government tried to destroy the dignity and the result was, and still is Rebellion...

.....CONCLUSION.....

1 — Wherefore — The Appellant Appeals to the Court of Appeals — To Grant Legal Relief By Reversing the District Court Judgment of May 25, 1977 "Lack of Jurisdiction Res-Judicata Principle... To order the Defendant U.S. Bureau Dept of Labor Not only to be in Default for Not complying to Summons served by U.S. Marshall 5-6-1976 responded July 13, 1976 — And thereby violated Rule 44 of the Federal Rules of Civil Procedure, But also Based U.S.C. Laws # 8116, Medical Evidence, whether the Decisions were consistent with Evidence... And Further the Court, the Dept. of Labor Bureau of Compensation, to Forth-with, ^{ORDER} Place the Appellant on Day Pay, Retroactive to March 8, 1964... And Further order that interest be paid... for said compensation

2 — Wherefore — The Court order that Appellant be paid interest for the uncashed U.A. Compensation, since February 1969...

3 — And further Order — That commissioner Dept of Labor had committed Fraud and Perjury and face Criminal charges...

4 — And further order an investigation of Judge Mac Mahon's conduct in this case... And other and Further Relief, the Court may deem it proper and just...

I thank the Court

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Louis Teplitzky

Appellant — PRO-SE

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